IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 27TH NOVEMBER 2007 / 6TH AGRAHAYANA 1929

WP(C).No. 5313 of 2007(G)

PETITIONER:

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1. P.M.BEEPATHUMMA, W/O.KUTTIALI HAJI,
   KORATH HOUSE,CHEROOR, VENGARA, MALAPPURAM DISTRICT

2. P.M.SUBAIDA, W/O.K.V.KUNHIMOHAMMED,
   KORATH HOUSE, CHEROOR, VENGARA,MALAPPURAM DISTRICT

BY ADV. SRI.BABU S. NAIR

RESPONDENTS:

THE THENHIPALAM GRAMA PANCHAYATH, REP.
BY ITS SECRETARY,THENHIPALAM, MALAPPURAM DISTRICT.

BY ADV. SRI.P.C.SASIDHARAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J.

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W.P.(C) No. 5313 of 2007-G

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Dated this the 27th day of November, 2007

J U D G M E N T

The petitioner, through his counsel, undertakes to rectify all the defects which have been noted in Ext.P3 and, accordingly, requests that the matter may be remitted, directing the Panchayat to reconsider the issue upon such rectification by the petitioner. Under such circumstances, the interim order dated 15/02/2007 is made absolute and it is directed that the petitioner shall not carry on with the construction until he rectifies and reports to the Panchayat all matters referred to in Ext.P3 and obtains orders therefrom. Regarding the defect at serial No.3 in Ext.P3, the petitioner has a case that the situation is referable to the partition in the family. He may make appropriate representation and place materials including consent letters, if any, required to satisfy the Panchayat that there is no deviation from the Rules. The petitioner shall place all such materials within an outer limit of three weeks and the Panchayat shall take final decision within a period of three weeks thereafter.

The writ petition is disposed of as above.

THOTTATHIL B.RADHAKRISHNAN,
Judge

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